THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.605 of 2007

05.1.2007

Between:

G.Srinivasulu Cherry, S/o.Subbaramaiah

… Petitioner

AND

The District Collector, Chittoor
And another

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.605 of 2007

ORDER:

The petitioner is resident of Tirupathi Town. He filed the present writ petition seeking a direction to respondents to implement ryotwari patta granted to one P.China Chenga Reddy, and for a consequential direction to carryout mutation in the revenue records.

The brief fact of the matter as alleged in the writ affidavit is as follows. Koramanigunta was an estate, which was taken over by the Government on 04.3.1963 under the provisions of A.P. (Andhra Area) Estates (Abolition and Conversion into Ryotwari) Act, 1948 (the Act, for brevity). The settlement rates were introduced on 01.7.1965 and the Village was taken over under Rent Reduction Act, 1947. The landholder filed a suit being O.S.No.29 of 1955 on the file of the Court of the Subordinate Judge, Chittoor, seeking a declaration that the Rent Reduction Act has no application. Later *suo motu* enquiry was taken up under Section 15(1) of the Act by the Assistant Settlement Officer (ASO). By orders dated 31.5.1968 in S.R.No.98/15(1)/65 CGR, the ASO rejected the claim for patta, observing that the claims of the ryots for patta would be examined under Section 11(a) of the Act. The appeal filed by the landholder being A.S.No.10 of 1968 was also dismissed by the Estates Abolition Tribunal on 18.1.1975.

P.China Chenga Reddy filed application under section 11(a) of the Act for grant of ryotwari patta in respect of lands about Acs.1.30 in survey No.135/2, 139/8 etc., of Koramanigunta H/o.Akkarampalle Village of Tirupathi Mandal in Chittoor District. Enquiry was conducted in S.R.No.20/11(a)/78/CGR, by the Settlement Officer. By proceedings dated 28.1.1980 a ryotwari patta was granted. Thereafter the petitioner's father purchased the land from China Chenga Reddy under registered sale deeds dated 17.4.1980 and 10.6.1982. After

death of the father, the petitioner allegedly continued to be in possession. It is further alleged that the District Collector by proceedings dated 15.8.1981 directed the revenue authorities to implement the patta. In the meanwhile, the Director of Survey and Settlements *suo motu* took up revisional enquiry under Section 5(2) of the Act and by order dated 28.12.1996 set aside the ryotwari patta. Aggrieved by the same, original claimant filed revision under Section 7(d) of the Act before the Commissioner of Appeals, who by order dated 28.4.2000 set aside the orders of the Director of Survey and Settlements. The petitioner filed an application before the Joint Collector in 2001 requesting for implementation of the patta, in vain. Therefore, the present writ petition is filed.

This Court heard the learned Counsel for the petitioner and learned Assistant Government Pleader for Revenue (General-A).

Admittedly ryotwari patta was granted in favour of China Chenga Reddy. After his death, his daughter Munemma prosecuted the claim before the Commissioner of Appeals but she did not seek implementation of the patta. Alleging that his father purchased the land from China Chenga Reddy, petitioner filed the present writ petition six years after the Commissioner of Appeals allowed the appeal. No document in proof of said allegation is produced before this Court. Secondly, when the petitioner claims ryotwari patta through China Chenga Reddy in whose favour claim under Section 11(a) was allowed, nothing prevents him to approach the Mandal Revenue Officer (MRO), Tirupathi Urban Mandal, for necessary mutation in the revenue records and also seek Pattadar Pass Books (PPBs) and Title Deeds (TDs) under the provisions of A.P. Rights in Land and Pattadar Pass Books Act, 1971 (RoR Act, for brevity). This is not done. Straightaway the writ petition is filed seeking implementation of the patta dated 28.1.1980 issued in favour of China Chenga Reddy. A writ petition for implementation of ryotwari patta straight away is not maintainable. The RoR Act contemplates registering of the holders of the land in Form 1-B prescribed under A.P. Rights in Land and Pattadar Pass Books Rules, 1989 and when the petitioner's title was in doubt at the time of preparation of record of rights, the petitioner now has to approach the MRO for necessary mutation in the record of rights. The writ petition is wholly misconceived.

The writ petition, with the above observations, is accordingly dismissed. No costs.

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(**V.V.S.RAO,J**)

January 05, 2007.

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